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IN THE HIGH COURT OF KARNATAKA AT BANGALORE
DATED THIS THE 4TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE G.PATRI BASAVANA GOUD

WRIT PETITION NUMBER 23061 OF 1990

Between:

M/s Ashok Plantations(P) Ltd.,
Ibinaivalvadi village
Boikery Post, Madikeri
Kodagu District
represented by its
Managing Director
Sri T. H. Rajan.

 -Petitioner

(By Sri B. Sharath Kumar, Advocate)

And:

1. The Union of India
Ministry of Labour
by its Secretary
New Delhi

2. The Regional Provident Fund
Commissioner II
'Yenepoya' Commercial Complex
Balamatta,
Mangalore 575 002

3. Enforcement Officer
Office of the Employees
Provident Funds, Coorg
Division No.I,
Jyothi Nilaya Mani Compound
Madikeri 571 201

-Respondents

(By Central Government Standing Counsel)

This writ petition is filed under Articles 226 and 227 of the Constitution seeking to quash the notice dated 27-9-1990 at Annexure-F in No. KN/PF/SRO/ENFI/COV/CDN I/2997/90.

This writ petition coming on for hearing this day, the Court made the following:

 ORDER

ORDER

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By Annexure F, respondent No.2 Regional Provident Fund Commissioner has informed the petitioner as to the applicability of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 ('Act' for short), which Annexure-F is sought to be quashed in this writ petition under Articles 226 and 227 of the Constitution.

2. Petitioner claims that he is entitled to infancy protection under Section 16 of the Act. If his claim comes to be upheld, for the periods mentioned in Annexure-F, obviously he would not be liable to pay contributions. It is where the dispute like the present one has arisen regarding applicability of the Act in an establishment with regard to determination of the amount due, that an enquiry is contemplated under Section 7A of the Act. Though the second respondent ^{initially} could not be found fault with in/issuing Annexure-F. Now that the petitioner claims infancy protection under Section 16 as per the representation at Annexure-E, it is to be

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taken as giving rise to a dispute that needs to be determined under Section 7A of the Act. It is, therefore, directed that the second respondent shall now hold an enquiry under Section 7A of the Act and then decide the dispute relating to the applicability of the Act & to determine the amount following that decision.

3. Writ Petition is disposed ^{of} accordingly.

Sd/-
JUDGE

